

RESOLUTION NO. 20-04

A RESOLUTION AFFECTING SENIOR MANAGEMENT, MANAGEMENT and UNREPRESENTED CONFIDENTIAL EMPLOYEES

Adopted by the Board of Directors of the SACRAMENTO METROPOLITAN FIRE DISTRICT

On March 9, 2004

WHEREAS, the Board of Directors of the Sacramento Metropolitan Fire District (Board) recognizes the importance of codified provisions relating to wages, hours and other terms and conditions of employment to employees who are not members of recognized bargaining groups, and

WHEREAS, this resolution supersedes Resolution No. 44-00, A Resolution Affecting Senior Management, Management and Unrepresented Confidential Employees, adopted by the Board of Directors of the Sacramento Metropolitan Fire District on November 21, 2000, and all prior resolutions governing the Terms and Conditions of Employment for Senior Management, Management, Unrepresented Confidential Employees, and Unrepresented Employees, and

WHEREAS, the Board wishes to clarify and modify the wages and benefits available to Senior Management, Management, Unrepresented Confidential Employees, and Unrepresented Employees, excluding the Fire Chief who is covered by individual contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO METROPOLITAN FIRE DISTRICT:**

1. FLSA STATUS - BUSINESS HOURS

- A. All Senior Management, Management, Unrepresented Confidential Employees, Board Clerk/Chiefs Secretary and Unrepresented Employees, hereinafter "Employees", are salaried employees and are exempt from Fair Labor Standards Act (FLSA), with the exception of those classifications listed below in section 2 (D) and (E), which are non-exempt and subject to compensation for overtime.

- B. There shall be no accrual of compensating time off, for those classifications listed in Section 2. (A), (B), (C), with the exception of reimbursable compensating time off for those classifications in Section 2. (A).
- C. Employees are responsible for keeping their supervisors apprised of work schedule and location. Employees work schedule must satisfy work place requirements as determined by their supervisor.

2. EMPLOYEES POSITIONS COVERED UNDER THIS RESOLUTION

- A. The members of Senior Management include any person employed in, or assigned to, the following classifications:

Deputy Chief	General Counsel
Assistant Chief	Chief Finance Officer

- B. The members of Management Employees include any person employed in, or assigned to, the following classifications:

CQI Manager	Fleet Manager
Logistics Manager	Information Technology Manager
Deputy Fire Marshal	Facility Supervisor
Assistant Fleet Manger	Facility Project Manager

- C. The members of Unrepresented Confidential Employees who are FLSA exempt include any person employed in, or assigned to, the following classifications:

FLSA Exempt:

Board Clerk	Financial Analyst
Senior Staff Admin. Coordinator	Purchasing Agent
Office Manager	Staffing Specialist
Human Resources Analyst	

- D. The members of Unrepresented Confidential Employees who are FLSA non-exempt include any person employed in, or assigned to the following classifications:

FLSA Non-Exempt:

Legal Secretary	Secretary
Accounting Supervisor	Human Resources Technician

- E. The members of Unrepresented Employees include any person employed in, or assigned to, the following classifications:

Info Infrastructure Technician	Help Desk Technician
Network Systems Technician	Video Technician
Computer System Technician	Electronics Technician
Telecommunications Technician	Health & Fitness Program Manager

3. ADMINISTRATIVE LEAVE

In express recognition of being "exempt" under the provisions of *Abshire v. County of Kern* (908F.2d 483 (9th Cir. 1990)) each Senior Management and Management employee shall receive eighty (80) hours of Administrative Leave each calendar year and each Exempt Unrepresented Confidential Employee shall receive forty (40) hours of Administrative Leave each calendar year. Administrative Leave shall be accrued and used in the same manner as vacation. For the purpose of vacation carryover, Administrative Leave shall be included in the maximum authorized.

4. COMPENSATION

- A. Effective January 1, 2004, the salary ranges in terms of monthly rates of pay of Employees covered by this resolution shall be as set forth in Appendix "A".
- B. Effective January 1, 2005, and January 1, 2006, the salaries shall be adjusted as set for in Appendix "A".
- C. The Fire Chief on an annual basis shall grant step increases after a successful evaluation. The Fire Chief is granted the authority to withhold step increases; however, those affected employees may request reconsideration by the Board.

5. CLOTHING ALLOWANCE

All Employees shall receive a clothing allowance in the amount of Fifty Dollars (\$50) per month, payable monthly.

6. PAID TIME OFF (PTO)

- A. Employees shall accrue Paid Time Off (PTO) as shown in the schedule below. The hours shown reflect full-time employment. Employees hired after January 1 or who terminate employment before December 31 shall have their accrual of PTO adjusted on a pro-rata basis counting each full month of employment. Accrual Steps are as follows:

Years of Continuous Service	Max. Accrual per Year (In Hours)
Year 1 through Year 5	224
Year 6 through Year 15	280
Year 16 and More	328

- B. Employees use of PTO, normally must be approved in advance by their supervisor. The absence of vacation for any period of a day must be charged as a whole day increment of eight hours, unless otherwise approved by the Fire Chief.
- C. At the time of termination or retirement, any unearned PTO that has been used by the Employee will be reimbursed to the District.
- D. At the time of termination or retirement, any unused PTO in the Employee's account shall be paid off at the Employee's hourly rate of pay.
- E. Maximum Carryover. Each Employee may carry over a maximum of no more than twenty (20) months of accrual time, at which time employee will not earn additional PTO leave time until the employee's balance is below the twenty (20) month maximum. In no event shall the District be required to pay any employee more than the maximum accrual. However, by application to the Fire Chief, an employee's maximum accrual may be waived to other specific conditions.
- F. Pay In Lieu

At the option of the employee, and with the approval of the Fire Chief, any portion of PTO, not to exceed 240 hours annually, may be sold back to the District at one hundred percent (100%) of the employee's hourly rate of pay.

- G. For PERS reportability purposes, Safety personnel covered under this Resolution assigned to a day shift assignment shall not have their vacation and holiday commingled in a PTO account. Said accruals shall remain as Vacation and Holiday and shall be subject to the 1.4 conversion factor.
- H. Application for PTO/Vacation/Holiday will be made to the Employee's immediate supervisor; or, in his/her absence, the Human Resources Officer and if approved, forwarded to the Payroll Department.

7. HOLIDAYS

The District shall observe official holidays in accordance with the following designated holiday schedule. The District's offices may be closed on observed days for designated holidays and employees who would otherwise have worked on such days shall utilize PTO, unless otherwise mutually agreed to by the Fire Chief, or his designee and the employee. The designated holidays shall be as follows:

1.	New Year's Day	(Jan. 1)
2.	Martin Luther King, Jr., Day	(3rd Mon. in Jan.)
3.	Lincoln's Birthday	(2nd Mon. in Feb.)
4.	Washington's Birthday	(3rd Mon. in Feb.)
5.	Memorial Day	(last Mon. in May)
6.	Independence Day	(July 4)
7.	Labor Day	(1st Mon. in Sept.)
8.	Columbus Day	(2nd Mon. in Oct.)
9.	Veteran's Day	(Nov. 11)
10.	Thanksgiving Day	(4th Thurs. in Nov.)
11.	Day after Thanksgiving	
12.	Christmas Day	(Dec. 25)

When a holiday falls on a Saturday, the preceding work day not a holiday shall be deemed to be that holiday. When a holiday falls on a Sunday, the following work day not a holiday shall be deemed to be that holiday.

8. BEREAVEMENT LEAVE

Shall be allowed up to five (5) consecutive work days (three (3) shifts for suppression personnel) off with pay, in the event of death in the immediate family. Immediate family includes the employee's current spouse, child, step or foster child, mother, father, mother-in-law, father-in-law, brother, sister, grandparents, grandchildren, step parents, foster parents, or any relative residing in the employee's household. This leave shall not be deducted from sick leave or vacation leave. Reasonable additional time off with pay may be granted by the Fire Chief.

9. SICK LEAVE

Employee's accumulation and disposition of sick leave shall be as follows:

- A. Accumulation shall be at the rate of 15.75 hours per month;
- B. Sick leave shall be accumulated on an unlimited basis;
- C. An Employee who has exhausted his/her sick leave may be granted an extension of sick leave, with the recommendation of the Fire Chief, at the sole discretion of the Board;
- D. Employees may be compensated by the District for accrued sick leave subject to the following conditions:
 - 1) For personnel hired prior to January 1, 1998, each employee is eligible to receive compensation annually for accrued sick leave provided that a minimum of 643 hours of sick leave is in the employee's "A" bank as of June 30. For employees hired after January 1, 1998 each employee is eligible to receive compensation annually for accrued sick leave provided that a minimum of 1070 hours of sick leave is in the employee's "A" bank as of June 30.
 - 2) The employee may relinquish up to 50% of the sick leave hours accrued by the employee in the previous year from July 1 to June 30, less the number of hours of sick leave used by the employee during that period. Relinquishment to the District will be at one hundred percent (100%) of the employee's hourly rate of pay in effect on December 1.
 - 3) Employee must notify the District in writing not later than October 31 of their election to be compensated for sick leave. The election is at the sole discretion of the employees.

- 4) District compensation for sick leave will normally be paid to the employee not later than December 15.

E. "A" Bank and "B" Bank

- 1) If an Employee elects to sell any hours, all remaining hours from the year's accrual are placed in the Employee's "B" Bank. Such hours may only be used either in the event of a catastrophic illness after exhaustion of the Employee's "A" Bank and/or for additional service credit at retirement;
- 2) If an Employee elects to sell no hours, all remaining hours shall be placed in the Employee's "A" Bank. Such hours may be used for normal sick leave.

F. At the Employee's option, upon service retirement or disability retirement, the District will pay off up to thirty percent (30%) of the Employee's accumulated "A" Bank sick leave. The Employee must notify the District no later than 15 days from their employment separation of their intention to be paid for sick leave. Failure to notify the District within 15 days will result in all unused sick leave being reported to the Public Employees' Retirement System (PERS) as additional service credit.

- 1) The total upon which the payoff is to be made is that accrued sick leave in the Employee's account at the Employee's hourly rate of pay.
- 2) All remaining accumulated sick leave in the Employee's account will, upon retirement, be applied for retirement credit under the provisions of 20965 of the Public Employee's Retirement System Law, which reads as follows:

A local miscellaneous member and a local safety member, whose effective date of retirement is within four months of separation from employment with the employer which granted the sick leave credit, shall be credited at his or her retirement with 0.004 year if service credit for each unused day of sick leave certified to the board by his or her employer.

10. HEALTH BENEFITS

A. Dental

The District will provide up to \$82.76 per month per employee, toward the cost of the District's plan. There shall be a benefit escalator not to exceed ten percent of the amount set forth in this section. If the premium increases above the escalator of ten percent, the balance shall be paid by the employee.

B. Vision Care Plan

The District will provide up to \$18.75 per month per employee, toward the cost of the District's plan. There shall be a benefit escalator not to exceed ten percent of the amount set forth in this section. If the premium increases above the escalator of ten percent, the balance shall be paid by the employee.

C. Medical

The District shall provide Employees and dependents with a medical plan. Effective December 1, 2000, the required maximum District monthly contribution shall not exceed the higher amount between Kaiser North and Blue Shield for the employee plus two or more dependents coverage premium.

D. The District will provide the medical insurance benefits listed in C. above through PERS.

E. Should any plan selected by an employee cost more than the District's required contribution, each covered employee is required to sign a payroll deduction form.

F. The District has established the following Flexible Spending Accounts (FSA) as permitted by Internal Revenue Service regulations:

1. Out-of-Pocket costs for District-sponsored health and dental insurance premiums;
2. Unreimbursed health care expenses up to the statutory limit per plan year effective January 1;
3. Dependent care reimbursement;
4. Administrative costs shall be paid by the employees participating in FSA for subparagraphs (2) and (3); and
5. Employees will be informed about the procedures, rules and forfeiture of funds left unused in FSA.

G. The District shall provide a paid long-term disability benefit plan. This benefit shall be sixty-seven percent (67%) of the eligible employee's base monthly salary less deductible benefits of other income contained in the District's contract with the plan carrier. Specific provisions and other conditions of such benefits are contained, and available to applicable

employees, in the plan document (Policy and Benefit booklet).

- H. The District agrees to pay the premium cost to provide a twenty thousand dollar (\$20,000.00) life insurance benefit policy commencing the first of the month after hire and continuing until employee has completed one year of continuous service. The District agrees to pay the premium cost to provide a one hundred thousand dollar (\$100,000.00) life insurance benefit policy for each full time employee at the conclusion of one (1) year of continuous employment.

I. Transition Coverage

1. Pursuant to Federal Law (COBRA), an employee who terminates or is terminated (except for gross misconduct) is entitled to continue group health plan coverage at the group rate for up to 18 months. Group health plan includes the package of Health, Dental, and Vision coverage.
2. In certain circumstances, an employee's spouse, former spouse, or dependent child may have a right to continued coverage for up to 36 months.
3. All such continued coverage is at the sole cost of the employee or other qualified individual. Continued coverage may be subject to an administrative fee levied by Insurance Program Administrators.
4. All benefits provided under COBRA will be in accordance with those provided by law on the date of the qualifying event.

J. Retirement Medical

Upon retirement, medical coverage will be paid by the District for both the Employee and dependents in accordance with Section 22810 of the Government Code which provides:

... Any annuitant, who at the time he or she became an annuitant was enrolled in a health benefits plan, may continue his or her enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

11. RETIREMENT BENEFITS

A. Employer-Paid Member Contributions

For all Employees, the District will take all necessary steps to treat Employer-Paid Member Contributions (EPMC) as PERS reportable compensation. This provision shall apply to both safety and miscellaneous members.

B. Specified Benefits

Upon meeting the statutory requirements, all Employees shall be covered by the Public Employee's Retirement System (PERS). The District's contract with PERS includes the following provisions:

- 1) Highest one year (12 months) salary;
- 2) 1959 Survivor's Benefits;
- 3) One-half Continuance Benefit;
- 4) All remaining accumulated sick leave in the Employee's account may, upon retirement, be applied for retirement credit under the provisions of Section 20965 of the California Government Code;
- 5) As appropriate, Employees shall be classified as either "Safety" or "Miscellaneous";
 - a. Safety Retirement shall be three percent (3%) at 50.
 - b. Miscellaneous Retirement shall be three percent (3%) at 60.
- 6) District Contribution/Conversion
 - a. The District shall pay to PERS the Employee's contribution to their PERS Retirement Plan not to exceed eight percent (8%) of the Employee's base reportable statutory compensation for Miscellaneous Employees and nine percent (9%) for Safety Employees. Such payments shall be made payable to the Employee's own PERS account;
 - b. The tax/retirement and other consequences, if any, of the above-referenced benefit are the responsibility of the Employee.

12. SALARY CONTINUATION

Employees who are "Miscellaneous" members of PERS, shall receive paid time off in the event they suffer an on-the-job- injury. Such time off shall not exceed one year (365 calendar days) for any injury. Miscellaneous members shall receive from the District an amount which, when added to their Workers' Compensation allowance, will result in a full day's gross pay.

13. EDUCATION, MANAGEMENT and LONGEVITY INCENTIVE

Senior Management employees and Deputy Fire Marshals who possess the following certifications and/or degrees shall receive the respective percentage of base pay:

- a. An approved State Fire Marshal Certification in Certificate Programs of eighty (80) hours receives one-half of one percent (.5%);
- b. All other Certificate Programs receive one percent (1 %) of base pay;
- c. Certificate in Fire Science, or a Certificate commensurate with the knowledge and abilities of the position held, from a Community College receive two and one-half percent (2.5%);
- d. Associate Degree receives five and one-half percent (5.5%);
- e. Certificate from a Community College, and an Associate Degree receive five and one-half percent (5.5%);
- f. Bachelor of Arts, Science, or Vocation from an accredited college or university receive seven percent (7%); and,
- g. The maximum an employee may receive in educational incentives is seven (7%) of base pay.

For incumbent Senior Management employees from either the former American River Fire District or the former Sacramento County Fire Protection District the Fire Chief has the sole discretion to consider management experience and professional development in lieu of certification or degree completion. Access to Educational Incentive for Senior Management promoted on or after December 1, 2000 shall be granted pursuant to the criteria set forth above in items a. through g. of this Section.

Effective January 1, 2005, Senior Management employees shall be eligible for Continuing Education (CE) Incentive at three percent (3%) of base salary. CE criteria shall be at the sole discretion of the Fire Chief.

Longevity Pay

Senior Management employees and Deputy Fire Marshals that meet the following criteria are eligible for longevity incentive as prescribed below:

- a. Longevity incentive shall be paid at the rate of two percent (2%) of base salary effective upon ten (10) years of service to the District. Upon fifteen (15) years of service to the District an additional two percent (2%) of base salary shall be applied. Upon twenty years (20) of service to the District an additional two percent (2%) of base shall be applied. Upon Twenty-five years of service to the District an additional one and seven-eighths (1.875%) of base shall be applied. In no case shall the total longevity incentive exceed a maximum of seven and seven eighths percent (7.875%) of base salary for those eligible.

14. AT-WILL EMPLOYMENT

All members of Senior Management, Management, and Unrepresented Confidential Employees serve at the pleasure of the Fire Chief. Appointments are made by the Fire Chief. Release from appointment shall be affected only by the Fire Chief, with an appeal right to the Board of Directors. Any Employee released, without cause, shall be permitted to "bump back" to a lower classification, for which (s)he is qualified, as assigned by the Fire Chief. A "bump back" employee shall receive a maximum ten percent (10%) reduction in salary and shall have that salary "Y-Rated". During such time as a "bump back" employee's salary remains above the top step for an assigned classification, that employee shall not receive further salary increases.

15. DAY SHIFT CONVERSION

As this resolution affects employees working both a forty (40) hour workweek and a fifty-six (56) hour workweek, where appropriate the 1.4 conversion factor will be applied.

16. EXEMPT EMPLOYEE COMPENSATION FOR NON-DISTRICT RELATED ASSIGNMENTS TO OTHER PUBLIC AGENCIES

- A. The Fire Chief is authorized to approve, at his/her discretion, exempt employees assigned to assist Local, State, or Federal Agencies in larger scale emergencies to be compensated at the rate at which the District is reimbursed or to receive additional personal leave equal to the personal time forfeited while on assignment. The provision is subject to the following conditions:
 1. The assignment results from a request through the California Office of Emergency Services or the Federal Emergency Management Agency.
 2. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

B. The Fire Chief is to reimburse the involved parties for loss of their personal time in either compensating time off or pay when said assignments meet one or more of the following criteria:

1. The work being performed is outside the normal scope of duties and is being provided for by an agency other than the Fire District;
2. The District is being reimbursed for the employee's cost, including any additional compensation provided as a result of the employee working beyond normal hours at the direction of the District; and,
3. Additional compensation will only be considered for work performed outside of the regular work schedule when the employee would normally be on their personal time.

ON A MOTION by Director _____, seconded by

Director _____, the foregoing resolution was passed

and adopted this 9th day of March 2004, by the following vote

to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SACRAMENTO METROPOLITAN FIRE DISTRICT

By: _____
President, Board of Directors

Attested By:

Clerk of the Board

APPENDIX A
Sacramento Metropolitan Fire District
Unrepresented Confidential Employees
PAY SCALE

01/01/04

	<u>1st Step</u>	<u>2nd Step</u>	<u>3rd Step</u>	<u>4th Step</u>	<u>5th Step</u>
Fire Chief	10,654	11,187	11,747	12,334	12,951
Senior Management Staff					
Deputy Chief	8,556	8,984	9,433	9,904	10,400
General Counsel	8,556	8,984	9,433	9,904	10,400
Assistant Chief	7,778	8,167	8,576	9,004	9,455
Management Staff					
Construction Project Manager	7,776	8,165	8,573	9,002	9,452
Information Technology Manager	7,186	7,545	7,922	8,318	8,734
Deputy Fire Marshal	6,589	6,919	7,265	7,628	8,009
Facility Manager	6,218	6,529	6,855	7,198	7,558
Logistics Manager	6,218	6,529	6,855	7,198	7,558
CQI Manager	6,161	6,469	6,793	7,132	7,489
Fleet Manager	6,159	6,466	6,790	7,129	7,486
Assistant Fleet Manager	5,520	5,796	6,086	6,390	6,710
Unrepresented Confidential					
Purchasing Agent	5,224	5,485	5,759	6,047	6,349
Administrative Coordinator	4,891	5,135	5,392	5,661	5,944
Financial Analyst	4,891	5,135	5,392	5,661	5,944
Human Resources Analyst	4,891	5,135	5,392	5,661	5,944
JPA Administrative Assistant	4,891	5,135	5,392	5,661	5,944
Staffing Specialist	4,469	4,693	4,927	5,174	5,433
Board Clerk	4,366	4,585	4,814	5,055	5,307
Office Manager	4,123	4,329	4,546	4,773	5,012
Accounting Supervisor	3,498	3,673	3,856	4,049	4,252
Legal Secretary	3,481	3,655	3,838	4,030	4,232
Health & Fitness Program Mgr	3,473	3,647	3,829	4,021	4,222
Human Resources Tech	3,288	3,452	3,625	3,806	3,996
Secretary	3,288	3,452	3,625	3,806	3,996
Unrepresented					
Info Infrastructure Tech	5,740	6,027	6,328	6,645	6,977
Network Systems Technician	5,394	5,663	5,947	6,244	6,556
Computer Systems Technician	5,087	5,341	5,608	5,889	6,183
Telecommunications Technician	4,543	4,770	5,008	5,259	5,522
Electronics Technician	4,429	4,651	4,883	5,127	5,384
Help Desk Technician	4,288	4,502	4,727	4,964	5,212